

Union Calendar No. 214

109TH CONGRESS
2^D SESSION

H. R. 1871

[Report No. 109-394]

To provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

Mrs. DRAKE (for herself, Mr. FORBES, Mr. CUNNINGHAM, Mr. GRAVES, Mr. KIRK, Ms. HART, Mr. ALEXANDER, Mr. TANNER, Mr. STEARNS, Mr. SESSIONS, Miss McMORRIS, Mr. MURPHY, Mr. PRICE of Georgia, Mr. EHLERS, Mr. GOODLATTE, Mr. GOODE, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. KUHLMANN of New York, and Mr. TAYLOR of Mississippi) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 15, 2006

Additional sponsors: Mr. WOLF, Mr. COX, Mr. CALVERT, Mr. FERGUSON, Mr. MOORE of Kansas, Mr. TIBERI, Mr. UDALL of Colorado, Mr. CHOCOLA, and Mr. HAYES

MARCH 15, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italics*]

[For text of introduced bill, see copy of bill as introduced on April 27, 2005]

A BILL

To provide liability protection to nonprofit volunteer pilot

organizations flying for public benefit and to the pilots and staff of such organizations.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Volunteer Pilot Organi-*
 5 *zation Protection Act of 2006”.*

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) *FINDINGS.*—*Congress finds the following:*

8 (1) *Scores of public benefit nonprofit volunteer*
 9 *pilot organizations provide valuable services to com-*
 10 *munities and individuals.*

11 (2) *In calendar year 2001, nonprofit volunteer*
 12 *pilot organizations provided long-distance, no-cost*
 13 *transportation for over 30,000 people in times of spe-*
 14 *cial need.*

15 (3) *Such organizations are no longer able to rea-*
 16 *sonably purchase non-owned aircraft liability insur-*
 17 *ance to provide liability protection, and thus face a*
 18 *highly detrimental liability risk.*

19 (4) *Such organizations have supported the inter-*
 20 *ests of homeland security by providing volunteer pilot*
 21 *services at times of national emergency.*

22 (b) *PURPOSE.*—*The purpose of this Act is to promote*
 23 *the activities of nonprofit volunteer pilot organizations fly-*
 24 *ing for public benefit and to sustain the availability of the*

1 *services that such organizations provide, including trans-*
 2 *portation at no cost to financially needy medical patients*
 3 *for medical treatment, evaluation, and diagnosis, as well*
 4 *as other flights of compassion and flights for humanitarian*
 5 *and charitable purposes.*

6 **SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUN-**
 7 **TEER PILOT ORGANIZATIONS FLYING FOR**
 8 **PUBLIC BENEFIT AND TO PILOTS AND STAFF**
 9 **OF SUCH ORGANIZATIONS.**

10 *Section 4 of the Volunteer Protection Act of 1997 (42*
 11 *U.S.C. 14503) is amended—*

12 *(1) in subsection (a)(4)—*

13 *(A) by redesignating subparagraphs (A)*
 14 *and (B) as clauses (i) and (ii), respectively;*

15 *(B) by inserting “(A)” after “(4)”;*

16 *(C) by striking the period at the end and*
 17 *inserting “; or”; and*

18 *(D) by adding at the end the following:*

19 *“(B) the harm was caused by a volunteer of a*
 20 *nonprofit volunteer pilot organization that flies for*
 21 *public benefit, while the volunteer was flying in fur-*
 22 *therance of the purpose of the organization and was*
 23 *operating an aircraft for which the volunteer was*
 24 *properly licensed and insured, unless the conduct con-*
 25 *stitutes a Federal crime of terrorism (as such term is*

1 *defined in section 2332b(g)(5) of title 18, United*
2 *States Code) or an act of domestic terrorism (as such*
3 *term is defined in section 2331 of such title), or un-*
4 *less the entity has been convicted of an offense under*
5 *section 2339A of such title.”; and*

6 *(2) in subsection (c)—*

7 *(A) by inserting “(1)” before “Nothing”;*

8 *and*

9 *(B) by adding at the end the following new*
10 *paragraph:*

11 *“(2) Notwithstanding paragraph (1), a nonprofit vol-*
12 *unteer pilot organization that flies for public benefit, and*
13 *the staff, mission coordinators, officers, and directors*
14 *(whether volunteer or otherwise) of such organization or a*
15 *referring agency of such organization, shall not be liable*
16 *with respect to harm caused to any person by a volunteer*
17 *of such organization, while the volunteer is flying in fur-*
18 *therance of the purpose of the organization and is operating*
19 *an aircraft for which the volunteer is properly licensed and*
20 *has certified to such organization that such volunteer has*
21 *in force insurance for operating such aircraft. Such refer-*
22 *ring agency shall include, among others, any nonprofit or-*
23 *ganization that provides disaster relief services that place*
24 *staff, volunteers, evacuees, goods, supplies, or cargo on air-*

1 *craft flights being coordinated by volunteer pilot organiza-*
2 *tions in circumstances of disaster response and relief.”.*

3 **SEC. 4. REPORT BY ATTORNEY GENERAL.**

4 (a) *STUDY REQUIRED.*—*The Attorney General shall*
5 *carry out a study on the availability of insurance to non-*
6 *profit volunteer pilot organizations that fly for public ben-*
7 *efit. In carrying out the study, the Attorney General shall*
8 *make findings with respect to—*

9 (1) *whether nonprofit volunteer pilot organiza-*
10 *tions are able to obtain insurance;*

11 (2) *if no, then why;*

12 (3) *if yes, then on what terms such insurance is*
13 *offered; and*

14 (4) *if the inability of nonprofit volunteer pilot*
15 *organizations to obtain insurance has any impact on*
16 *the associations’ ability to operate.*

17 (b) *REPORT.*—*After completing the study, the Attorney*
18 *General shall submit to Congress a report on the results*
19 *of the study. The report shall include the findings of the*
20 *study and any conclusions and recommendations that the*
21 *Attorney General considers appropriate.*

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